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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,140	08/03/2000	Roger P. Hoffman	P/2-72	1313

7590 03/16/2004

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EXAMINER

PATTERSON, MARC A

ART UNIT.	PAPER NUMBER
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1772

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/632,140	Applicant(s) HOFFMAN, ROGER P.	
	Examiner Marc A Patterson	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 4 as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Cooper (U.S. Patent No. 5,002,186) and further in view of Arneson (U.S. Patent No. 4,128,169) of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 4 as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Cooper (U.S. Patent No. 5,002,186) and further in view of Arneson (U.S. Patent No. 4,128,169) have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 2 of Paper No. 15, that Merdem et al do not teach a laminated beverage carrier. Merdem et al relates to a carton blank, Applicant argues, especially for use for containers for food products.

However, the phrase 'especially for use in food containers' (column 2, lines 5 – 8) clearly discloses that the use of the carton blank is not limited to food containers. Furthermore, as stated on page 2 of the previous Action, Cooper teaches that it is well – known in the art to use a paperboard carton as a beverage carrier, for the purpose of obtaining a container which holds beverage containers tightly (column 1, lines 10 – 24). The desirability of providing for a paperboard carton which is a beverage carrier in Merdem et al, which is a carton, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for the use of the paperboard carton as a beverage carrier in Merdem et al in order to obtain a container which holds beverage containers tightly as taught by Cooper.

Applicant also argues on page 2 that Merdem et al do not teach that the outer layer is a non – corrugated paper.

However, as stated on page 3 of the previous Action, Merdem et al do not disclose corrugation; the claimed aspect of the paper layers being 'uncorrugated' therefore reads on Merdem et al.

Applicant also argues on page 2 that Merdem et al do not teach printed graphics disposed on the outer surface of the paper.

However, as stated on page 3 of the previous Action, Arneson teaches that it is well – known in the art to print the outer surface of a beverage carrier, for the purpose of displaying instructions regarding the containers (column 5, lines 42 – 52). It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for the use of the paperboard carton as a beverage carrier in Merdem et al in order to obtain a container which holds beverage containers tightly as taught by Cooper and to have provided for a beverage container having a printed outer surface in order to display instructions regarding the containers as taught by Arneson.

Applicant also argues, on page 3, that Merdem et al teach that in manufacturing a container the paperboard surface should face outwards with the greaseproof paper facing inwards.

However, Merdem et al do not teach that it is required for the greaseproof paper to be facing inwards. Furthermore, Merdem et al do not teach that in the making of another type of container, such as a beverage carrier, that the greaseproof paper is required to be facing inwards.

Applicant also argues, on page 3, that a product placed in the carton blank of Merdem et al must be maintained in an oxygen free atmosphere.

However, that requirement is not taught by Merdem et al; it is only taught that the blank is useful for storing products which must be stored in an oxygen free atmosphere, if a container is made from the blank (column 5, lines 2 – 5).

Applicant also argues, on page 5, that there is nothing in Merdem et al, Cooper and Arneson to combine the teachings because the invention of Merdem et al relates to an air – tight container and the beverage carriers of Cooper and Arneson are not air – tight.

However, an air – tight container is not claimed and is therefore not relevant to the validity of the combination. Furthermore, as stated above, Merdem et al, Cooper and Arneson teach beverage carriers and materials for making beverage carriers, therefore there is clearly a motivation to combine the teachings.

Applicant also argues, on page 6, that Merdem et al teaches away from a layer of water absorbent material disposed on the inner surface of the inner layer because he would not want the inner layer to absorb the contents of the container. However, as stated above, Merdem et al disclose a carton which is not limited to use as a container. Furthermore, Merdem et al does not state that it is detrimental for an inner layer to absorb the contents of a container.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
Art Unit 1772

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/5/04